

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KEMPER *et al.*

Appl. No.: (10/598,336; U.S. Nat'l Phase  
of PCT/EP2005/006085)

Int'l Filing Date: June 7, 2005

For: **Seed Dressing for Soya Bean**

Confirmation No.: 2752

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 2400.0740000/VLC/BLS

**Information Disclosure Statement  
Under 37 C.F.R. § 1.97(b)**

*Mail Stop PCT*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP3** and **NPL1** to **NPL8** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent application publication cited on the attached IDS Form PTO/SB/08A, document **US1**, is not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP3** and **NPL1**, cited on Form PTO/SB/08B:

Document **FP3**, WO 2006/024521, is in the German language. An English language abstract of document **FP3** is attached as **NPL8**.

Document **NPL1**, "Tratamento De Dementes De Soja Com Fungicidas Para O Controle De Patógenos," *Fitopatol. Bras*, 5 pages (1998), is in the Portuguese language. An English language abstract of document **NPL1** can be found on the face page of the article.

Documents **US1**, **FP1** to **FP2**, and **NPL1** to **NPL7** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: February 2, 2007

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE  STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/598,336 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/006085)
				Int'l Filing Date	June 7, 2005
				First Named Inventor	KEMPER, Konrad
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	1	of	1	Attorney Docket Number	2400.0740000/VLC/BLS

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
/C.B./	US1	2003/0060371 A1	03/27/2003	Asrar <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/C.B./	FP1	GB 2064520 A	06/17/1981	Sandoz Ltd.		
/C.B./	FP2	EP 1036492 A1	09/20/2000	Aventis Research & Technologies GmbH & Co. KG		
/C.B./	FP3	WO 2006/024521 A1	03/09/2006	BASF Aktiengesellschaft		Abs

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Examiner Signature	/Courtney Brown/	Date Considered	10/12/2008
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/598,336 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2005/006085)
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				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	1	of	1	Attorney Docket Number	2400.0740000/VLC/BLS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
/C.B./	NPL1	Goulart, A.C.P., "Tratamento De Dementes De Soja Com Fungicidas Para O Controle De Patógenos," <i>Fitopatol. Bras.</i> 23:127-131, Sociedade Brasileira de Fitopatologia (1998)	
/C.B./	NPL2	Miles, M.R., <i>et al.</i> , "Soybean Rust: Is the U.S. Soybean Crop At Risk?" <i>available at www.apsnet.org/online/feature/rust/</i> , ASPnet, 11 pages (June 2003)	
/C.B./	NPL3	International Search Report for International Application No. PCT/EP2005/006085, European Patent Office, Netherlands, mailed on December 1, 2005	
/C.B./	NPL4	Caplus Database, Accession No. 1984:565402, Junqueira, N.T.V., <i>et al.</i> (1984)	
/C.B./	NPL5	Caplus Database, Accession No. 1984:585956, Junqueira, N.T.V., <i>et al.</i> (1984)	
/C.B./	NPL6	Caplus Database, Accession No. 1998:573260, Lopes, M.E.B.M., <i>et al.</i> (1998)	
/C.B./	NPL7	Biosis, Accession No. PREV200510117120, "Epidemiology and chemical control of soybean rust in Southern Africa," (Accessed 1/12/2005)	
/C.B./	NPL8	Dialog File 351, Accession No. 15667071, English language abstract for WO 2006/024521 A1	

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Examiner Signature	/Courtney Brown/	Date Considered	10/12/2008
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